

## REMARKS/ARGUMENTS

### In the Claims:

Claims 1-45 remain pending in the present application. Claims 46-70 have been withdrawn by the Examiner as a result of a previously issued election/restriction requirement. Claims 1, 6, 7, 23 and 28-30 have been amended to more clearly describe the subject matter recited therein. Claims 4, 26 and 27 have been canceled. New claim 71 has been added. No new material is included in the amendments.

### Rejection of Claims 1-45 Under 35 U.S.C. § 112

The Examiner rejected claims 1-45 under 35 U.S.C. § 112, second paragraph as being indefinite due to the unsupported recitation in claims 1 and 23 of "said process." Applicant has amended claims 1 and 23 to have proper antecedent basis. As such, Applicant respectfully submits that the Examiner's § 112 rejection is now moot and may be properly withdrawn.

### Rejection of Claims 1-18, 20-40 and 42-45 Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-18, 20-40 and 42-45 under 35 U.S.C. § 102(e) as being anticipated by Hathaway et al. (US 6,973,905). Claims 1, 6, 7, 23 and 28-30 have been amended to more clearly describe the subject matter recited therein. As Applicant does not believe Hathaway et al. (hereinafter Hathaway) to teach the subject matter of amended claims 1-18, 20-40 and 42-45, the rejection is respectfully traversed.

Hathaway teaches a valve lash adjustment apparatus for adjusting the valve lash of an internal combustion engine. One or more computer controlled electric motors are used in this process, each of which is capable of applying a predetermined amount of torque to several fasteners associated with the valve lash adjustment process. Once the torquing operations are initiated, various sensors may be used to ensure that the desired results of the torquing operations are being accomplished. The next step in the torquing sequence appears to be initiated only upon satisfactory completion of the preceding torquing step (see paragraphs 4-6).

While the system of the present invention does include means to monitor and control the amount of torque applied to one or more fasteners by a torque applying tool, this is but one aspect of the present invention. More particularly, unlike the fully automated apparatus of Hathaway, the present invention system is designed for use by an operator and is also concerned with more than just a fastener installation/torquing aspect of the process. Thus, while a system of the present invention may employ electric, pneumatic, and/or hydraulic devices, these devices are generally used by an operator. Additionally, the operator is also generally required to perform one or more pre-fastener installation steps that may be critical to proper fastener installation/torquing. One or more post-fastener installation process steps may also be performed by an operator, which steps may depend on the proper completion of the pre-fastener installation steps and/or the fastener installation/torquing steps.

In known operator-performed processes, there has been no system in place to prevent an operator from deliberately or inadvertently neglecting a necessary or important process step, whether such a process step is performed prior to or during the installation/torquing of a fastener. Consequently, there has also been no way, aside from a follow-up inspection, to determine whether certain earlier process steps have been properly performed prior to undertaking a downstream process step, nor a way to automatically prohibit the initiation of a downstream process step if a prior process step was skipped or completed improperly.

It is this situation to which the system of the present invention is directed, not to a fully automated process like that described in Hathaway. Because the process of Hathaway is fully automated, there is little doubt that each process step was properly completed. The system of the present invention is operative to provide the same assurances to an operator-performed process that involves fastener installation/torquing. The system of the present invention assures that any necessary process steps are properly performed *prior* to allowing the fastener installation/torquing process to be initiated. (See paragraphs 0025-0030, for example). For example, if certain pre-fastener installation steps are not performed, or are not properly performed, power may be withheld from the fastener installation and/or torque applying tool. This is not taught by Hathaway.

Similarly, certain embodiments of a system of the present invention use monitored signals associated with pre-fastener installation process steps and/or fastener installation/torquing process steps to prohibit downstream process steps

if one or more of the preceding process steps were not completed or were completed incorrectly. These downstream process steps may be completely unrelated to fastener installation and/or fastener torquing. For example, if it is determined that an earlier process step was skipped or unsatisfactorily completed, whether or not that step is related to fastener installation/torquing, the downstream installation of another device component may be prohibited. Hathaway also fails to teach this element of the present invention.

Therefore, it is clear that there are material differences between the teachings of Hathaway and the subject matter of the rejected claims, as amended. The amended claims are fully supported by the specification of the present application, and no new material has been added. As such, Applicant respectfully submits that Hathaway cannot support a rejection of claims 1-18, 20-40 and 42-45 under 35 U.S.C. § 102(e).

Rejection of Claims 19 and 41 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 19 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Hathaway et al. Applicant has amended independent claims 1 and 23 to more clearly describe the subject matter recited therein. As Applicant believes claims 1 and 23 to now be allowable, claims 19 and 41, which depend therefrom, would also be allowable.

**CONCLUSION**

Applicant has amended claims 1, 6, 7, 23 and 28-30, has canceled claims 4, 26 and 27, and has added new claim 71. Claims 46-70 have been withdrawn.

Response to Office Action of: 12/30/2005  
Response Dated: 03/30/2006  
Title: Torque Guarantee System And Method

App. No.: 10/770,714  
Inventor: Gary Barr et al.  
Examiner: John C. Hong

Applicant has also distinguished the subject matter of the present invention over the teachings of the reference cited as prior art by the Examiner.

Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

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